

FILED  
DISTRICT OF WYOMING  
U.S. DISTRICT COURT

DEC 13 2011

U.S. MAGISTRATE JUDGE

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10 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF WYOMING YELLOWSTONE  
11 NATIONAL PARK

12 UNITED STATES OF AMERICA, )

Cause No. 2:11M2105-001

13 Plaintiff, )

**MOTION TO DISMISS FOR  
LACK OF SPEEDY TRIAL**

14 vs. )

15 JACK KANE PARRENT JR., )

Defendant )

16  
17 COMES NOW, Jami Rebsom, attorney for the above-named defendant, and moves  
18 the Court for an Order Dismissing this cause for lack of speedy trial.

19 FACTUAL AND PROCEDURAL BACKGROUND

20 On June 3, 2011, Mr. Parrent was arrested for recklessly engaging in conduct that  
21 placed another person in danger of death or serious bodily injury, in violation of 36 CFR 4.21(b),  
22 WS Section 6-2-504 (a)(c) a class A misdemeanor, operating a motor vehicle with a blood alcohol  
23 content greater than 0.08 grams of alcohol per 210 liters of breath, in violation of 36 CFR  
24 4.23(a)(2) a class B misdemeanor, and operating a commercial vehicle while on duty with a  
25 detectable amount of alcohol, in violation of 36 CFR Section 4.2(b), WS Section 31-18-303/WS  
26  
27  
28

1 Section 31-18-701, 49 CFR Section 392.5(a)(2), a class B misdemeanor. The Government later  
2 dismissed the charge of reckless endangerment. Mr. Parrent filed a request with the Court  
3 demanding a jury trial. Mr. Parrent files this motion to dismiss for lack of speedy trial as he was  
4 not brought to trial within 70 days.  
5

#### 6 ARGUMENT

7 In any case involving a defendant charged with an offense, the appropriate judicial  
8 officer shall after consultation with the counsel for the defendant and the attorney for the  
9 government, set the case for trial on a day certain, or list it for trial on a weekly or other short-term  
10 calendar at a place within the judicial district so as to assure a speedy trial. U.S.C. Section 3161(a).  
11

12 Any information or indictment charging an individual with the commission of an  
13 offense shall be filed within thirty days from the date on which such an individual was arrested or  
14 served with a summons in connection with such charges. *Id.* At Section 3161(b).  
15

16 In any case in which a plea of not guilty is entered, the trial of a defendant charged  
17 in an information or indictment with the commission of an offense shall commence within seventy  
18 days from the filing date or from the date the defendant has appeared before a judicial officer of the  
19 court in which such charge is pending, whichever date last occurs. U.S.C. Section 3161(c)(1). If  
20 the defendant consents in writing to be tried before a magistrate judge on a complaint, the trial shall  
21 commence within seventy days from the date of such consent. *Id.*  
22

23 In this case, Mr. Parrent has not waived his right to speedy trial. Mr. parent also did  
24 not consent in writing to have his cause heard before a magistrate judge. Therefore, the case must  
25 be dismissed for lack of speedy trial.  
26  
27  
28

1 DATED this 13 day of December, 2011.

2 By   
3 JAMI REBSOM

4 **CERTIFICATE OF SERVICE**

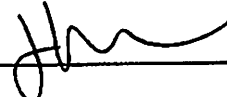
5 I hereby certify that I served a full, true and accurate copy of the foregoing document  
6 on the 13 day of December, 2011, to the following named person:

7 \_\_\_\_\_ by personal service

8 \_\_\_\_\_ by FAX to the following FAX number

9 \_\_\_\_\_ by depositing a copy of same in the United States Mail, postage  
10 prepaid, and addressed as follows:

11 Lee Pico  
12 P.O. Box 703  
13 Yellowstone National Park 82190  
14 Via facsimile 307-344-9266

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